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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,403	02/25/2002	Daniel R. Salmonsens	156374-0008 (PA-1253)	6877

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GOODWIN PROCTER LLP
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EXAMINER

GUILL, RUSSELL L

ART UNIT	PAPER NUMBER
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2123

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/084,403

Applicant(s)

SALMONSEN ET AL.

Examiner

Russ Guill

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/28/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 3-7,9,10,12-16,19-23,25,26,28,30-32 and 35-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7,9,10,12-16,19-23,25,26,28,30-32 and 35-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/25/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an Amendment filed November 17, 2006. Claims 1, 2, 8, 11, 17, 18, 24, 27, 29 and 33 - 34 were previously canceled. No claims were added or canceled. Claims 3 - 7, 9 - 10, 12 - 16, 19 - 23, 25 - 26, 28, 30 - 32 and 35 - 42 are pending. Claims 3 - 7, 9 - 10, 12 - 16, 19 - 23, 25 - 26, 28, 30 - 32 and 35 - 42 have been examined. Claims 3 - 7, 9 - 10, 12 - 16, 19 - 23, 25 - 26, 28, 30 - 32 and 35 - 42 have been rejected.
2. As recited previously, the Examiner would like to thank the Applicant for the well-presented response, which was useful in the examination process. The Examiner appreciates the effort to perform a careful analysis of the Office Action, and make appropriate arguments and amendments.

Response to Remarks

3. Regarding claim 35 objected to for minor informalities:
 - 3.1. Applicants' amendments to the claims overcome the objection, and the objection is withdrawn.
4. Regarding claims 3 - 7, 9 - 10, 12 - 16 and 35 - 39 rejected under 35 USC § 101:
 - 4.1. Applicants' amendments to the claims have been fully considered, but are not persuasive. Please refer to the section for claim rejections under 35 USC § 101.
5. Regarding claims 19 - 23, 25 - 26, 28, 30 - 32 and 40 - 42 rejected under 35 USC § 101:
 - 5.1. Applicants' amendments to the claims have been fully considered, but are not persuasive. Please refer to the section for claim rejections under 35 USC § 101.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 3 - 7, 9 - 10, 12 - 16, 19 - 23, 25 - 26, 28, 30 - 32 and 35 - 42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7.1. Regarding claims 3 - 7, 9 - 10, 12 - 16 and 35 - 39, the recited system appears to perform abstract operations such as converting content. Therefore, to be statutory, the claim must be directed to a practical application producing a concrete, useful and tangible result. The claims do not appear to produce a tangible result needed to support a practical application. The content does not appear to actually be rendered and displayed for viewing or listening.

7.2. Regarding claims 19 - 23, 25 - 26, 28, 30 - 32 and 40 - 42, the recited method appears to perform abstract operations such as reading content and rendering content. Therefore, to be statutory, the claim must be directed to a practical application producing a concrete, useful and tangible result. The claims do not appear to produce a tangible result needed to support a practical application. Although content is rendered, the rendered content is not actually displayed for viewing or listening. The claim recites in the last line, "facilitating the display", but does not actually display the rendered content. Further, rendering and displaying appear to be independent actions because in figure 3A, the rendering (210) is separate from the display (250, 262).

Allowable Subject Matter


8. Any indication of allowability is being held in abeyance pending the resolution of the outstanding rejections.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russ Guill whose telephone number is 571-272-7955. The examiner can normally be reached on Monday - Friday 9:00 AM - 5:30 PM.
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist: 571-272-2100.
12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZOILA CABRERA
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100
4/11/07

Russ Guill
Examiner
Art Unit 2123

RG